Draft Reuse rule October, 2002

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REUSE

40E-2.301 - Conditions for Issuance of Permits.

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use at the time the permit application is deemed complete:

(h) makes use of a reclaimed water source in accordance with the criteria contained in the document incorporated in Rule 40E-2.091, F.A.C.

Basis of Review:

3.0 Water Resource Evaluations

3.2.3 Reclaimed Water Criteria

3.2.3.1. Public Water Utilities with associated wastewater treatment plants:

Public water supply utilities that control, either directly or indirectly, a wastewater treatment plant, and which have determined, in accordance with section 403.064, F.S., that reuse of reclaimed water is feasible, must provide the District with each of the following:

1. The existing reuse feasibility study or plan applicable to the utility's service area. Examples of such studies or plans include a reuse feasibility study prepared for the Department pursuant to section 403.064, F.S., or a reuse project plan prepared for the Public Service Commission pursuant to section 367.0817, F.S.

2. A copy of the schedule of implementation for reuse, including any available information regarding areas to be served, construction of reclaimed water distribution lines and associated capacities.

3. Documentation of the amount of presently uncommitted reclaimed water supply that is currently generated and is projected to be generated by the treatment plant over the duration of the permit.

4. Information regarding whether or not a local ordinance concerning reuse of reclaimed water has been enacted pursuant to either Chapter 125 or Chapter 180, F.S.

3.2.3.2: Reuse Requirements:

The encouragement and promotion of water conservation and ~~re~~use of reclaimed water are state objectives and considered to be in the public interest. In section 373.250, F.S., the Legislature finds that use of reclaimed water provided by domestic wastewater treatment plants, permitted and operated under a reuse program approved by the Department, is environmentally acceptable and not a threat to public health and safety. Permit applicants must evaluate the feasibility of using reclaimed water to meet all or a portion of their needs, as follows:

1. Mandatory Reclaimed Water Zones. For projects located either wholly or in part within areas designated by local ordinance as a mandatory reclaimed water zone and required by such local ordinance to reuse reclaimed water, permit applicants will only be allocated that quantity of water necessary to meet remaining reasonable-beneficial demands, if necessary, and a quantity necessary for emergency backup. When an ordinance exists, but reclaimed water supplies are not available at the time of permit application, the District will allocate water from conventional sources of supply and condition the permit to use the reclaimed water when it becomes available. At that time, the permit will be modified to reduce the allocation commensurate with the amount of reclaimed water provided.

2. End User Feasibility Evaluation: In all areas of the District, excluding those covered by Section 3.2.3.2.1., reclaimed water must be used, unless the applicant demonstrates to the District's satisfaction that such use is not environmentally, technically or economically feasible. The following criteria are used to determine feasibility:

a. Environmental Feasibility: Reclaimed water reuse is considered environmentally feasible if the Department has permitted the reuse facility that will provide the reclaimed water supply and has permitted the use or discharge of the reclaimed water to the receiving water body, if applicable.

b. Technical Feasibility: Reclaimed water reuse is considered technically feasible if an uncommitted, adequate supply of reclaimed water is available at the site of the proposed use to

meet all or part of the applicant's water needs. An uncommitted supply of reclaimed water means the average amount of reclaimed water produced during the three lowest-flow months minus the amount of reclaimed water that the reclaimed water provider is contractually obligated to provide to another customer or user. An adequate supply of reclaimed water means a reasonable volume for the use as defined in the BOR. In the event the uncommitted supply of reclaimed water is not adequate to meet the project's demands, the applicant may request a partial allocation of water from a non-reclaimed water source. However, such partial allocation will not exceed that amount necessary to compensate for the shortfall in uncommitted reclaimed water supply, in light of total project demands calculated pursuant to the BOR. Available at the project site means the utility has initially provided the distribution facilities at its cost to the project boundary.

c. Economic feasibility: The applicant must provide the District with an assessment of the economic feasibility of use of reclaimed water use. The applicant's economic feasibility analysis must consider:

(1) Costs associated with purchase of a reclaimed water supply source including: (a.) pump and distribution costs, (b) storage costs, (c) monthly rates charged for the reclaimed water supply, and (d) costs associated with risk of loss of reclaimed supply.

(2) Costs associated with development of a permittable supply sources including: (a) well, pump, and distribution and (b.) operational costs including increased fertilizer costs, where applicable, power costs, pumping, and system operation and maintenance costs.

(3) Alteration in the rates charged by the permit applicant's business to account for costs associated with using reclaimed water.

The applicant must then state a conclusion as to whether the analysis demonstrates reclaimed water use is economically feasible. The District will review the applicant's submittal for verification purposes and to determine, on the basis of this information and verification, whether reclaimed water use is economically feasible.

~~Reclaimed water reuse is considered economically feasible if the reclaimed water supply provider will deliver such supply at a rate equal to or less than that associated with the cost of~~

~~development of an otherwise permittable supply source for the applicant's project. The District will review the applicant's economic feasibility analysis through a comparison of industry standards associated with costs of developing and operating water supply systems for the purpose of determining whether or not the permit applicant's economic analysis is justifiable. In the event the preceding analysis indicates use of a reclaimed water source is more costly than an otherwise permittable source, then the District will conduct a further review of the economic feasibility of the applicant utilizing a reclaimed water source.~~

3.2.3.3: UNANTICIPATED LOSS OF RECLAIMED WATER SUPPLY:

1. Emergency / short-term interruption of service: In order to account for such interruption of service, the reclaimed water end-user may request a permit for a "back-up" supply. The amount of water allocated for such use will be based upon historic reclaimed water treatment plant delivery performance or a 30 day supply, whichever is less. A "back-up" allocation will be issued for a duration of 20 years.

2. Long-term interruption / cancellation of service: The reclaimed water end-user may apply for a temporary or conventional water use permit. Should competition arise between a permit applicant who has lost its reclaimed water supply source and another permit applicant, the District shall consider the former reclaimed water end-user who has lost its supply to best serve the public interest under section 373.233, Fla. Stat.

5.0 Permit Conditions

5.2 Special Permit Conditions -

5.2.5 Reclaimed Water ~~Reuse~~ End Use:

A. The permittee shall continue to investigate the feasibility of utilizing reclaimed water as an alternative water supply for this project. To this end, the permittee, or its successor, shall provide the District with periodic reclaimed water feasibility reports, to be submitted at five (5) year intervals commencing on (date 5 years from permit issuance) and continuing through the duration of this water use permit. Such reclaimed water feasibility reports shall evaluate the feasibility of utilizing reclaimed water and specifically consider: (1) whether a suitable reclaimed water supply source is available and permitted; (2)

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whether reclaimed water supply lines are available at the property boundary in sufficient capacity to serve permittee's needs; (3) whether the permittee is capable of accessing the reclaimed water source through distribution lines; (4) whether use of reclaimed water is technically, environmentally, and economically feasible; and (5) whether use of reclaimed water would adversely affect requirements contained in permittee's surface water drainage permit, if appropriate.

B. Upon notification from the District of the availability of reclaimed water pursuant to Section 373.250, F.S., the Permittee shall investigate the feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.

C. Should reclaimed water become unavailable, the Permittee shall apply to the District for an emergency water use permit prior to temporarily increasing withdrawals above the permitted allocation.

D. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of the allocation which is to be provided for by reclaimed water. The permittee is required to request a permit modification when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.

5.2.5.1. Public Water Utilities Reuse Information Updates:

Public water utilities that control, either directly or indirectly, a wastewater treatment plant, and which have determined pursuant to section 403.064, F.S., that reuse of reclaimed water is feasible, must provide the District with annual updates of the following information: (1) the status of distribution system construction, including location and capacity of lines; (2) a summary of uncommitted supplies for the next year; and (3) copies of any new or amended local mandatory reclaimed water reuse zone ordinances.